IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14357 of 2005

Between:

V. Nadipanna, S/o. V. Venkatappa, Telephone Mechanic, Telephone Exchange, Prashanthi Nilayam, Puttaparthi, Ananthapur District.

PETITIONER

AND

1 The Sub-Divisional Officer Telecom (BSNL) Tadipatri and Inquiry Officer, Tadipatri, Ananthapur District.
2 The Divisional Engineer (mtce) BSNL Hindupur, Ananthapur District.
3 The General Manager, Telecom District, Ananthapur (BSNL), Ananthapur District.
4 The Chief General Manager, A.P. Telecom, (BSNL) Doorsanchar Bhavan, Hyderabad.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders, direction or directions, writ or writs more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in proceeding with the inquiry in violation of Rule 14 of CCS (CCA) Rules 1965 and without considering the representations of the petitioner dated 23-6-2004, 19-11-2004 and 20-5-2005, for supply of additional documents and production of additional witnesses which were collected and who were examined during the course of investigations made by the Police Authorities initially and later by the Investigating Officers from Vigilance Wings of GMTD, Ananthapur and the O/o CGM, AP, Telecom as illegal, arbitrary, violative of principles of Natural justice and violative of provisions of Rule - 14 of CCS(CCA) Rules, 1965 and consequently declare that the inquiry should be conducted strictly in accordance with the provisions of Rule 14 of CCS(CCA) Rules and that petitioner is entitled to have the production of the additional documents and additional witnesses to defend his case effectively and to pass such other orders as are necessary in the interest of justice.

Counsel for the Petitioner: DR.A. RAGHU KUMAR
Counsel for the Respondents: MR.Y. RAVINDER (SC FOR B.S.N.L)

The Court made the following:

ORDER:

This writ petition is filed by the petitioner against whom the proceedings have already been initiated and enquiry is in progress.

According to the petitioner, the Enquiry Officer is not proceeding with the enquiry in accordance with rules by furnishing the documents that are sought for by the petitioner and also not allowing the additional witnesses to be examined by the petitioner to prove his case.

At the time of hearing, the petitioner, however, referred to the proceedings issued by the Enquiry Officer dated 30-9-2004 in which it is stated that the additional documents asked for was thoroughly checked and found that list of documents were already given which is sufficient and no additional documents could be furnished. The learned counsel for the petitioner as well as the respondents represent that the documents which are marked on behalf of the department, have already been furnished to the petitioner. As the documents said to be relied upon by the Department have already been furnished to the petitioner, there cannot be any grievance to the petitioner and he cannot claim that some more documents are required to be furnished. Similarly, it is stated that the enquiry is at the stage of examining the witnesses of the department and the same is yet to be closed. Therefore, the claim of the petitioner that he is not permitted to examine some more additional witnesses is clearly devoid of merits at the stage of the evidence on behalf of the department. It is open to the petitioner to examine his witnesses as per the list furnished to the Enquiry Officer. To that extent, the Enquiry Officer cannot

raise any objection.

The writ petition is disposed of with the above observations and directions.

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Justice S.ANANDA REDDY

Date: 5th July, 2005

Dvs

Copies to:

1 The Sub-Divisional Officer Telecom (BSNL) Tadipatri and Inquiry Officer, Tadipatri, Ananthapur District.
2 The Divisional Engineer (mtce) BSNL Hindupur, Ananthapur District.
3 The General Manager, Telecom District, Ananthapur (BSNL), Ananthapur District.
4 The Chief General Manager, A.P. Telecom, (BSNL) Doorsanchar Bhavan, Hyderabad.

5. Two CD copies.

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.P. NO.14357 OF 2005

5th July, 2005